

REMARKS

I. Introduction

Claims 1, 3-10, 12-15, 17-21, 23-30, 32-34, 36-43, 45 and 46 are pending . Claims 4, 24 and 37 have been amended. No new matter has been added. Applicant respectfully requests reconsideration in view of the above amendments and these remarks.

II. Drawing Objections

The drawings are objected to under 37 C.F.R. §1.83(a), because the claimed feature “gain stage” is not shown.

However, Applicant respectfully submits that a gain stage, which may be formed by input transistors 310/312, is readily illustrated in Fig. 3 as previously presented. One of ordinary skill in the art would recognize that input transistors 310/312 provide gain and represent one form of a gain stage. To expedite prosecution, Applicant has replaced the drawing sheet containing Fig. 3 to include an additional label indicating the claimed gain stage. No new matter has been added. Accordingly, it is respectfully requested that the pending drawing objection be withdrawn in view of the foregoing amendment.

III. The Rejection Of Claims 1, 4, 9, 13-15, 21, 24, 29, 33-34, 37, 42 and 46 Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 4, 9, 13-15, 21, 24, 29, 33-34, 37, 42 and 46 are rejected under 35 U.S.C. § 112, second paragraph as indefinite, because the Examiner is unclear what claimed feature “gain stage” refers to or is intended. Applicant respectfully traverses the rejection.

Indefiniteness under the second paragraph of 35 U.S.C. §112 is a question of law. *Zoltek Corp. v. United States, supra*; *Personalized Media Communications LLC v. U.S. International Trade Commission*, 161 F.3d 696, 48 USPQ2d 1880 (Fed. Cir. 1988); *Tillotson Ltd. v. Walbro Corp.*, 831 F.2d 1033, 4 USPQ2d 1450 (Fed. Cir. 1987); *Orthokinetics Inc. v. Safety Tavel Chairs Inc.*, 806 F.2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986). Accordingly, in rejecting a claim under the second paragraph of 35 U.S.C. §112, the Examiner must provide a basis and fact and/or cogent technical reasoning to support the ultimate legal conclusion that one having ordinary skill in the art, with the supporting specification in hand, would not be able to reasonably ascertain the scope of protection defined by a claim. *In re Okuzawa*, 537 F.2d 545, 190 USPQ 464 (CCPA 1976). Significantly, consistent judicial precedent holds that reasonable precision in light of the particular subject matter involved is all that is required by the second paragraph of 35 U.S.C. §112. *Zoltek Corp. v. United States, supra*; *Miles Laboratories, Inc. v. Shandon, Inc.*, 997 F.2d 870, 27 USPQ2d 1123 (Fed. Cir. 1993); *North American Vaccine Inc. v. American Cyanamid Co.*, 7 F.3d 1571, 28 USPQ2d 1333 (Fed. Cir. 1993); *U.S. v. Telectronics Inc., supra*; *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ (Fed. Cir. 1986). Applicant stresses that claims must be interpreted as *one having ordinary skill in the art* would have interpreted the claims in light of and consistent with the supporting specification. *Zoltek Corp. v. United States, supra*; *Miles Laboratories, Inc. v. Shandon, Inc., supra*.

In the instant case, it is respectfully submitted that those skilled in the art would clearly understand that the claimed feature “gain stage” may refer to the input transistor 310 or 312, as

shown in Fig. 3. For example, as expressly recited in claim 1, a programmable resistance (e.g., 306 or 308) is in communication with a gain stage (e.g., input transistor 310 or 312) via an output node (336A or 336B). The specification also makes this point clear as set forth, for example, on page 5, paragraph [0016], and in the original claims as presented.

As such, Applicant respectfully submits that the pending claims are commensurate in scope with Applicant's specification, and one of the ordinary skill in the art would readily understand, appreciate and be able to practice the present invention when armed with the present specification.

Applicant, therefore, respectfully submits that the rejection of claims 1, 4, 9, 13-15, 21, 24, 29, 33-34, 37, 42 and 46 under the second paragraph of 35 U.S.C. §112 be withdrawn.

IV. The Rejection Of Claims 4, 24 and 37 Under 35 U.S.C. § 102

Claims 4, 24 and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by USP No. 6,583,661 to Tanji, or USP No. 6,563,382 to Yang. Applicant respectfully traverses the rejection.

Claims 4 as amended is directed to a programmable gain voltage buffer that includes a programmable resistance. The programmable resistance includes a plurality of switches in parallel with a resistive element. Applicant respectfully submits that neither Tanji nor Yang teach or suggest such a structure.

Claim 24 as amended is directed to a device including a voltage buffer. The voltage buffer includes a plurality of switches in parallel with a resistive element. Again, Applicant respectfully submits that neither Tanji nor Yang teach or suggest such a structure.

Claim 37 as amended is directed to a programmable gain voltage buffer that includes a programmable resistance. The programmable resistance includes plural switching means in parallel with a resistive means. Again, Applicant respectfully submits that neither Tanji nor Yang teach or suggest such a structure.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejections.

V. **All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable**

Under Federal Circuit guidelines, a dependent claim is neither anticipated nor rendered obvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 1, 4, 13-15, 21, 24, 33-34, 37 and 46 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

VI. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 06-1050 and please credit any excess fees to such deposit account.

Respectfully submitted,



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Amendments to the Drawings

The attached replacement sheet (page 2 of 3) of drawings includes changes to Fig. 3 to include the claimed "gain stage." Please replace the original sheet including Figs. 3 and 4 on the sheet. An annotated drawing showing the changes is also enclosed herewith.

"ANNOTATED SHEET SHOWING CHANGES"



2/3

FIG. 3

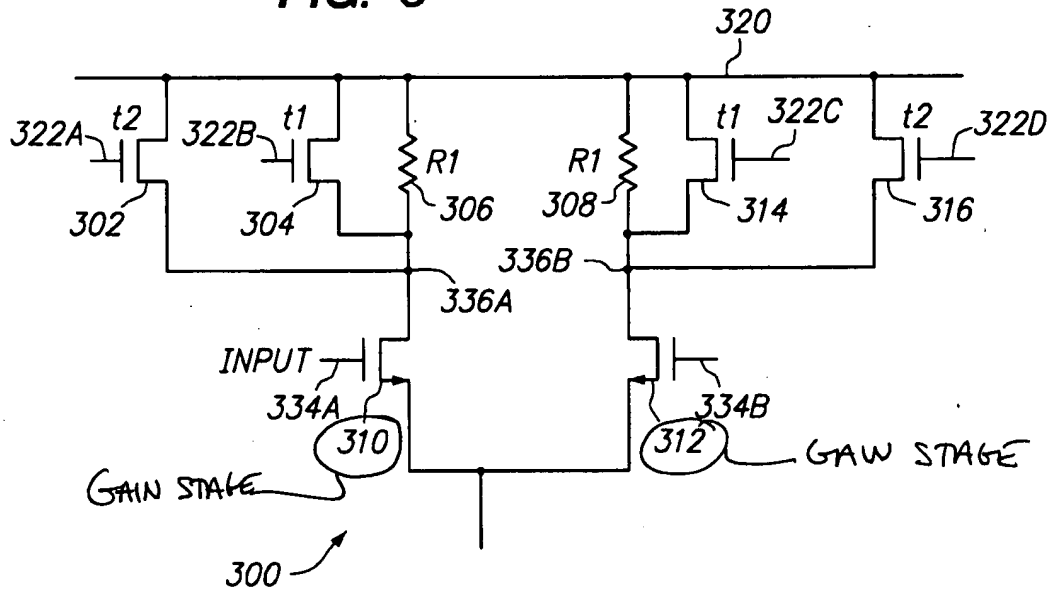


FIG. 4

